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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,688	04/16/2001	Paul J. Britten	4361-000002	5734
27572	7590	08/10/2006		EXAMINER
		HARNESS, DICKEY & PIERCE, P.L.C.		CHENCINSKI, SIEGFRIED E
		P.O. BOX 828	ART UNIT	PAPER NUMBER
		BLOOMFIELD HILLS, MI 48303		3628

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/835,688	BRITTEN ET AL.
	Examiner	Art Unit
	Siegfried E. Chencinski	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 5, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1 - 4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the step(s) establishing a linkage in the relationship between the manufacturer of truck bodies who is the object of the revenue sharing incentive based on banner sales and the banner seller. As the claim limitations now stand, there is no such linkage and the reader of the claims must make assumptions about the linkage. The share of revenues received by the manufacturer come out of the thin air. Different readers are bound to make different assumptions about this linkage and the reasons for this sharing of banner sales revenues with the truck body manufacturer, which puts the reader into a position of having to add to the claimed invention(s). This incomplete linkage will also prevent the ability to duplicate results on the part of those who attempt to implement the invention.

Applicant is advised to consider the limitations of the original disclosure in considering further amendments to these claims to avoid further rejections under 35 USC 112.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 4 are rejected under 35 U.S.C. 103(a) as being disclosed by Oliver et al. (US PreGrant Publication 2002/0133412 A1) in view of Waters (US PreGrant Publication 2002/0032659 A1) and Applicant admitted prior art (hereafter AAPA).

Re. Claim 1, Oliver discloses a method of sharing revenues generated from online sales of information carried on the online information system of participating information provider entities, comprising the steps of:

- an online information service provider host entity which provides online access to user customers and links to other information providers (Abstract – II. 21-27; [0021] – II. 4-8, [0037] – II. 5-16);
- the participating online information service provider entity receiving a share of revenues from sales to registered users who achieve access to participating information service providers through the host information service provider (Abstract – II. 21-27; [0021] – II. 4-8, [0037] – II. 5-16).

Oliver does not explicitly disclose a method of sharing revenues generated from sales of banners that are affixed to truck bodies, comprising the steps of:

- a manufacturer of the truck bodies manufacturing the truck bodies with mounting hardware for the banners and selling the truck bodies having the mounting hardware;
- a banner seller selling the banners that are then affixed to truck bodies having the mounting hardware that were sold by the manufacturer; and
- the manufacturer receiving a share of revenues from the sales of the banners by the banner seller.

However, Applicant admits that advertising on truck bodies was well known prior to applicant's invention, including the related truck body advertising banner hardware fastening technology and the superwide printing technology on industrial fabrics which can withstand the forces to which they become subjected when attached to a truck body while the truck operates on roads and highways. Applicant also admits to knowing of various schemes for marketing such truck body banner advertising. Further, Applicant admits to revenue sharing incentive schemes to already have existed among some of the parties involved in the enabling of truck body advertising (Specification – p. 1, [0002] – [0007]; Fig. 1). Waters discloses an incentive revenue sharing "System and Method for Obtaining and Developing Technology for Market" (Title). The incentive is offered to potential contributors of patentable ideas which are in turn marketed for the generation of license revenue (Abstract). The revenue is shared with the contributors of the sharer(s) ideas which generate the revenue ([0017] – II. 1-9). Consequently, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have realized that the truck body manufacturer could be offered a share of the media buy/advertising revenue being derived from the sale of advertising on truck bodies manufactured by the truck body manufacturer to which he has added advertising banner fastener systems. He would have realized this from the fact that such sharing was already offered to other parties involved in truck body banner advertising, while also obtaining the idea from the ubiquitous nature of revenue sharing incentive schemes being practiced throughout commerce, as exemplified by the disclosures of Oliver and Waters. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with AAPA and with the disclosures of Waters, for the purpose of offering truck body manufacturers a revenue sharing incentive for providing advertising banner fastening systems, motivated by the opportunity to provide include transaction which are difficult to manage effectively, simple to use in managing low priced transactions, sharing client charges among a plurality of service providers, a sharing means adapted to allow the system to allow providers to share users without requiring an open account for each user at each

provider, and to provide a system for identifying client users for a variety of purposes (Oliver, [002], [0005], [0007], [0011], [0013]).

Re. Claim 2, neither Oliver nor Waters explicitly disclose a method further including the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies made by the manufacturer. However, AAPA discloses the well known practice of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies made by the manufacturer (Specification, [0003] – II. 3-6). Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with AAPA and the disclosures of Waters for the purpose of including the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies made by the manufacturer, motivated by the opportunity to provide include transaction which are difficult to manage effectively, simple to use in managing low priced transactions, sharing client charges among a plurality of service providers, a sharing means adapted to allow the system to allow providers to share users without requiring an open account for each user at each provider, and to provide a system for identifying client users for a variety of purposes (Oliver, [002], [0005], [0007], [0011], [0013]).

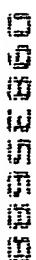
Re. Claim 3, Oliver in combination with Applicants' admissions of prior art, the disclosures of Waters and the well known prior art disclose a method of sharing revenues generated from printing banners that are affixed to truck bodies, comprising the steps of a manufacturer of truck bodies manufacturing the truck bodies with mounting hardware for the banners; and a printer printing the banners (see the rejection rationale of claim 1). Neither Oliver nor AAPA and Waters explicitly disclose a printer sharing with the manufacturer (of truck bodies) a portion of the revenues the printer receives for printing the (truck body advertising) banners as follows:

- (a) a manufacturer of truck bodies manufacturing the truck bodies with mounting hardware for the banners and selling the truck bodies having the mounting hardware
- (b) a printer printing the banners which are then affixed to truck bodies having the mounting hardware that were sold by the manufacturer, and

a printer sharing with the manufacturer a portion of the revenues the printer receives for printing the (truck body advertising) banners.

However, per the rationale presented in the rejection of claim 1, especially Applicant's admission of revenue sharing already having been practiced among some of the parties involved with the facilitation of truck body advertising, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with Applicants' admissions of prior art, with the disclosures of Waters and with well known prior art, for the purpose of a printer sharing with the manufacturer (of truck bodies) a portion of the revenues the printer receives for printing the (truck body advertising) banners, motivated by the opportunity to provide include transaction which are difficult to manage effectively, simple to use in managing low priced transactions, sharing client charges among a plurality of service providers, a sharing means adapted to allow the system to allow providers to share users without requiring an open account for each user at each provider, and to provide a system for identifying client users for a variety of purposes (Oliver, [002], [0005], [0007], [0011], [0013]).

Re. Claim 4, neither Oliver nor Waters or AAPA explicitly disclose the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies. However, Applicants' admissions of prior art inherently disclose the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies (Specification, [0004]). Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with Applicants' admissions of prior art, with the disclosures of Waters and with well known prior art, to include the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies, motivated by the opportunity to provide include transaction which are difficult to manage effectively, simple to use in managing low priced transactions, sharing client charges among a plurality of service providers, a sharing means adapted to allow the system to allow providers to share users without requiring an open account for each user at each



provider, and to provide a system for identifying client users for a variety of purposes (Oliver, [002], [0005], [0007], [0011], [0013]).

Response to Arguments

4. Applicant's arguments filed July 5, 2006 have been fully considered but they are not persuasive.

ARGUMENT: Re. the rejection of claims 1 and 3 (pp. 4, l. 10 – p. 10, l. 4). "... none of Oliver, Waters or(... AAPA) disclose or suggest such a method" (as claimed in claims 1 and 3) (p. 5, ll. 1-3).

Supporting Arguments:

(a) "The truck body manufacturer is a stranger to the banner sales or the banner printing transactions as it has already made and sold the truck bodies by the time either type of transaction takes place" (p. 5, ll. 6-8).

(b) "... Oliver does not discuss a manufacturer of products, let alone a manufacturer of truck bodies" (p. 6, ll. 5-6); nor other parties involved in downstream commercial activities related to the manufacture and sale of banners and the printing on the banners to be mounted on truck bodies, "nor the printer sharing with the manufacturer a portion of the revenues the printer receives for printing the banners" (p. 6, ll. 9-16).

(c) "... the truck body manufacturer does not contribute truck bodies, with or without mounting hardware, to the banner seller or banner printer" (p. 6, l. 22 – p. 7, l. 1). ... The banner seller or banner printer do not market truck bodies ... The truck body manufacturer ... is not involved in the later transactions involving banners to be mounted on truck bodies made by the truck body manufacturer ... "And the banner seller and banner printer do not sell truck bodies. The banner seller sells banners and the banner printer prints banners" (p. 7, ll. 1-7).

(d) "... combining Oliver with Waters would not result in Applicant's invention as claimed in claims 1 and 3", the combination would rather "result in the home provider marketing the outside providers' services to the home provider's clients so as to generate more revenue from the clients accessing the services of the outside

providers", but the combination would not be directed to truck body manufacturing, banners, etc. (p. 7, ll. 7-16).

(e) Regarding AAPA (p. 7, l. 17 – p. 10, l. 3):

- "... "it (is) the truck body owner that is a party to the advertising transaction, not the truck body manufacturer. the banners are affixed to the truck bodies after they are sold by the truck body manufacturer. As such, ... none of the discussed prior art discloses or suggests, alone or in combination, the above discussed limitations of claims 1 and 3" (p. 8, ll. 6-11).
- "The Examiner takes the position that the revenue sharing limitations of claims 1 and 3 create motivation for the truck body manufacturer to help the banner seller and printer in undefined ways to sell as many banners as possible" (p. 8, ll. 12-14). ... "the Examiner's argument is flawed in several respects" (p. 9, l. 1), as represented by the next three arguments:
 - The truck body manufacturer has a competitive cost disincentive to install the banner mounting hardware on all of the truck bodies he manufactures since truck body owners do not necessarily want the mounting hardware, and can obtain the mounting hardware from other sources if they so choose (p. 9, ll. 11-16).
 - The truck body manufacturer is not linked to down stream transactions, especially those involving truck body banners (p. 9, ll. 17-23).
 - "The present invention motivates the truck body manufacturer to incur the disadvantage of making the truck bodies with the mounting hardware with the resulting higher cost of making the truck bodies (p. 9, l. 23 – p. 10, l. 4).

RESPONSE:

A. Specific Responses:

Re. (a) and (c) – These arguments lack business credibility and can only be supported by the current disconnected or unlinked limitations of claims 1 and 3, which fail to meet the requirements of 35 USC 112, 2nd paragraph.

Re. (b) and (d) – The narrow disclosures by Oliver and Waters have been used by the examiner in the rejection of these claims solve the narrow problem(s) referred to in the rejection rationale. The narrow disclosures in Oliver and Waters are properly used to disclose and suggest specific commercial motivation and incentive practices. They serve to add to the AAPA evidence by providing specific practices which help to solve the problem confronted by Applicant in his invention. There is no need or intention to drag the specific environments disclosed by Oliver and Waters into this truck body banner advertising scenario. As stated the 2006 *In re Kahn* opinion referred to below in the Case Law section for Applicant's convenience, these references and the ordinary practitioner's own knowledge serve to provide narrow practices which combine to solve the problem faced by Applicant at the time of his invention.

Re. (e) – These arguments are essentially repetitions of arguments (a) through (d). Applicant is referred to the appropriate replies above.

B. General Response: The amendments to claims 1 and 3 merely make explicit what was implicit in the prior claim limitations regarding the implied incentivisation by the banner seller of the truck body manufacturer through revenue sharing of banner sales. Also converted from implicit to explicit is the truck body manufacturer's selling the truck bodies having the mounting hardware. It was implicit that the truck body manufacturer in Applicant's invention sells truck bodies instead of, perhaps, giving them away. It is also clear based on Applicant's Background information, including the AAPA components therein, that numerous commercial parties are involved in transactions involving truck body banner advertising and that each party explicitly or implicitly follows commercial motives to make a profit. Applicant's arguments transcend the boundaries of the newly amended claimed limitations of his invention of claims 1 and 3. For example, Applicant does not claim that the truck body manufacturer will include banner mounting hardware on all the truck bodies he produces and sells. Nor do the claims include any limitations regarding the truck body manufacturer's pricing practices, or his margin practices, both of which are explicitly and implicitly included in his arguments which state that the truck body manufacturer will assume the risk of absorbing the extra cost of purchasing and mounting the banner mounting hardware on the truck bodies. Rather, the claims are

silent about such limitations. This absence in the claims makes those arguments moot. As pointed out in the 35 USC 112 rejection above, the limitations in claims 1 and 3 fail to define any relationship at all between the truck body manufacturer and a seller of track body banners. What the current limitations of claims 1 and 3 do state is that the truck body manufacturer sells "truck bodies having the mounting hardware" (claim 1 (a) and claim 3 (a) – "a manufacturer of the truck bodies manufacturing the truck bodies with mounting hardware for the banners and selling the truck bodies having the mounting hardware"). This limitation infers nothing about what else the truck body manufacturer may manufacture and sell, nor does it describe any motive or cause and effect relationship between the truck body manufacturer, his placement of banner mounting hardware on the truck bodies, the banner seller and the receiving of revenue shares from banner sales by the banner seller. Everything has to be inferred, i.e. constructed by the reader. For example, the Examiner takes Official Notice that an ordinary practitioner of the art at the time of Applicant's invention would reasonably assume that the truck body manufacturer would most likely also manufacture and sell truck bodies without the mounting hardware for truck body banners. In fact, Applicant's background information in the specification is silent about what the truck body manufacturer may do upon sharing in the banner sales revenue of the banner printer or seller (p. 2, [0004]; p. 3, [0007], [0008]). The stated motive for providing the revenue sharing to the truck body manufacturer is to motivate him to manufacture "truck bodies with the hardware needed to affix the banners to the sides of the truck bodies" ([0008] - II. 3-4). An ordinary practitioner of the art would expect the truck body manufacturer who chooses to try to earn extra revenue through this incentive to offer the banner mounting hardware to prospective truck body buyers as an option, and to invest in some promotional activity for this option as one of the upgrade options he is offering. The manufacturer could then also be expected to instruct his sales force to promote this option, and to perhaps include incentives to the sales force to sell this option, depending what kind of compensation system the manufacturer happens to be using for his sales, customer service and marketing/promotion employees, distributors, agents, brokers, etc. The examiner also takes Official Notice that the promotion of equipment options in

selling many products was well known at the time of Applicant's invention. This included commercial and personal vehicle sales and marketing. Such options included truck body options of differing models and sizes, functional purposes such as built-in lifts, refrigeration, different door and gate configurations and locations, windows, ventilation, lighting, materials, on and on. These mounting hardware options, which the specification even states include a choice of several mounting hardware manufacturers and designs (p. 2, [0004]), in the absence of curtailment in Applicant's claimed limitations, require the examiner to conclude would be handled in a normally logical and prudent way by the truck body manufacturer.

The examiner takes Official Notice that normal commercial experience would have led the ordinary practitioner to expect that:

1. The prudent banner sellers and banner printers would be looking for a relationship with one or more truck body manufacturers to help promote advertising banner usage by not only engaging in direct sales promotion activities to truck body owners and operators, but also to help promote such activity through the truck body manufacturer. Not only would this be an added marketing stimulus for banner advertising and the sales of more banners, but a relationship with a truck body manufacturer would help steer more business to the specific banner sellers and banner printers who are offering the revenue share to the truck body manufacturer.
2. The promotional relationship with a truck body manufacturer could be seen as having profit potential for a truck body manufacturer because such options have been known for many decades or longer. For example, millions of new car buyers have learned that car dealers offer a limited number of options as add-ons to the car, and that these options are usually very limited by way of one or two specific manufacturers or vendors whose add-on product the dealer makes available and promotes. For example, this has been true for tire and radio upgrades (say – Michelin® tires and Blaupunkt ® radios for upgrades in those respective product categories). The same is true for practical economic scale reasons in virtually every industry because a seller can only afford a very limited line of options to remain profitable. However, such endeavors never guarantee profitable results, so such ideas must be tried to see if they truly add extra

profit to the each party involved. Experience has shown that those for whom these new efforts do not produce an extra profit will drop participation in the program. Also, experience shows that these ideas may be profitable for some participants and not for others. Many reasons can be involved, some not explainable.

3. Danilunas et al. (US Patent 6,263,320 B1, hereafter Danilunas) discloses the giving of an incentive to an automobile manufacturer by a downstream prospective customer group (col. 6, ll. 1-13). The examiner takes Official Notice that an ordinary practitioner of the art at the time of Applicant's invention would have seen this disclosure as an example of the well known experience that manufacturers can be incentivized. The method of such incentivizing can take various forms through cash payments through incremental revenue sharing or merely through the expectation that the manufacturer will benefit from an increased sales volume, or even as a means of protecting his existing sales volume. It all depends on the circumstances.

3. Contrary to Applicant's argument that the truck body manufacturer is not connected or unrelated or unassociated with the down stream transactions relating to advertising banner sales, the examiner takes Official Notice that general experience has shown that, at the time of Applicant's invention, well run businesses among truck body manufacturers would most likely have known about the emergence of truck body banner advertising and the related hardware features in the 1990's through their industry magazines, annual trade shows, inquiries by their customers and prospects, through their sales forces, and by contacts with truck body owners and operators. This is a standard set of activities for surviving and thriving in business. Those who don't do these things have a tendency to go out of business. However, experience also had shown at the time of Applicant's invention that one could expect truck body manufacturers to take a prudently aggressive interest in getting involved in offering the mounting hardware as an OEM option, especially with an incremental revenue incentive for them. It would be far fetched to expect that the manufacturer would just add the hardware as a speculative risk. To automatically install the mounting hardware on all truck bodies would seem an imprudent risk if not a sales and marketing disaster involving non users of the banner advertising and even the multiplicity of hardware

options. However, if the option becomes very popular, and OEM hardware installation becomes something which will be inexpensive and perhaps unobtrusive to the truck body operator who chooses not to use banner advertising, then at that unknown point in future time the item might even become a standard OEM installed item, such as the automatic multi function windshield washer-wiper. However, that would not be expected at the beginning of a program, would take many years of experience in the industry and its down stream customers and commercial participants, and Applicant has not defined the program in such a manner.

C. Case Law: The Federal Circuit recently has been distinguishing the rulings of *In re Lee*, *In re Dembicza*k and *In re Johnston*. The recent ruling of *In re Kahn* supports this trend as well. Note the following:

"A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d at 1343-46; *Rouffett*, 149 F.3d at 1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. *See id.* at 1344-45." *In re Kahn*, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).

In this instance, the examiner has met the standards reconfirmed by *In re Kahn* stated above. The examiner has pointed to a combination of explicit, implicit, suggested and obvious reasons, to the knowledge of the ordinary practitioner in consideration of the problems to be solved, supported by articulated reasoning with some rational underpinning to support the legal conclusion of obviousness in making the rejections of independent claims 1 and 3 under the 35 USC obviousness statute.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is

(571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231
or (571)273-8300 [Official communications; including After Final communications
labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or
"DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

August 7, 2006



HYUNG S. SOUGH
SUPERVISORY PATENT
TECHNOLOGY CENTER